

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name 416 8th Avenue BBQ, LLC

2. All other names debtor used in the last 8 years
Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 36-4899316

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	101 Drake Rd Pleasant Valley, NY 12569 Number, Street, City, State & ZIP Code	P.O. Box, Number, Street, City, State & ZIP Code
	Dutchess County	Location of principal assets, if different from principal place of business 416 8th Avenue New York, NY 10001 Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify:

Debtor **416 8th Avenue BBQ, LLC**
Name

Case number (if known)

7. Describe debtor's business A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

Debtor **416 8th Avenue BBQ, LLC**
Name

Case number (if known)

11. Why is the case filed in this district? *Check all that apply:*

☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (*Check all that apply.*)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency
Contact name
Phone

Statistical and administrative information

13. Debtor's estimation of available funds *Check one:*

☒ Funds will be available for distribution to unsecured creditors.

☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated Assets

<input type="checkbox"/> \$0 - \$50,000	<input checked="" type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

16. Estimated liabilities

<input type="checkbox"/> \$0 - \$50,000	<input checked="" type="checkbox"/> \$1,000,001 - \$10 million	<input type="checkbox"/> \$500,000,001 - \$1 billion
<input type="checkbox"/> \$50,001 - \$100,000	<input type="checkbox"/> \$10,000,001 - \$50 million	<input type="checkbox"/> \$1,000,000,001 - \$10 billion
<input type="checkbox"/> \$100,001 - \$500,000	<input type="checkbox"/> \$50,000,001 - \$100 million	<input type="checkbox"/> \$10,000,000,001 - \$50 billion
<input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> More than \$50 billion

Debtor **416 8th Avenue BBQ, LLC**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 10, 2019**
MM / DD / YYYY

X /s/ James Goldman
Signature of authorized representative of debtor

James Goldman
Printed name

Title **Manager**

18. Signature of attorney

X /s/ Robert L. Rattet
Signature of attorney for debtor

Date **May 10, 2019**
MM / DD / YYYY

Robert L. Rattet 1674118
Printed name

Rattet PLLC
Firm name

202 Mamaroneck Avenue
Suite 300
White Plains, NY 10601
Number, Street, City, State & ZIP Code

Contact phone **+1-914-381-7400** Email address **rrattet@rattetlaw.com**

1674118 NY
Bar number and State

Fill in this information to identify the case:

Debtor name **416 8th Avenue BBQ, LLC**

United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ *Amended Schedule*
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 10, 2019**

X /s/ James Goldman

Signature of individual signing on behalf of debtor

James Goldman

Printed name

Manager

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **416 8th Avenue BBQ, LLC**
United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**
Case number (if known): _____

☐ Check if this is an
amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
416 8th Owner, LLC 560 Fifth Avenue New York, NY 10001		Additional security deposit payable				\$177,983.00
416 8th Owner, LLC 560 Fifth Avenue New York, NY 10001		Rent arrears, etc.	Unliquidated			\$145,379.60
American Express Merchant Financing 200 Vesey Street New York, NY 10285		Claim against prior operator	Disputed			\$392,002.69
Anheuser Busch 550 Food Center Drive Bronx, NY 10474						\$1,899.88
Auto Chlor Systems 685 Gotham Parkway Carlstadt, NJ 07072-2403						\$1,326.66
Direct Energy P.O. Box 70220 Philadelphia, PA 19176-0220						\$1,963.12
DirecTV P.O. Box 5006 Carol Stream, IL 60197-5006						\$1,260.13
Empire Merchants 16 Bridgewater Street Brooklyn, NY 11222-9964						\$2,205.51
I. Halper Paper and Supplies, 51 Hook Road Bayonne, NJ 07002						\$4,916.68

Debtor **416 8th Avenue BBQ, LLC**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Interstate Foods 565 West Street New York, NY 10014						\$859.48
Joseph DeMarco 110 Congress St Bridgeport, CT 06604						\$8,450.00
Kitchenworks PO Box 771 Freeport, NY 11520						\$1,489.41
Liberty Coca-Cola Beverages PO BOX 780810 Philadelphia, PA 19178-0810						\$1,307.94
Manhattan Beer 955 East 149 Street Bronx, NY 10455-2097						\$5,111.31
NYS Dept of Taxation & Finance P.O. Box 5149 Albany, NY 12205		Sales Taxes payable				\$47,200.00
Shareholders loan						\$75,000.00
Southern Glazer's of NY Metro PO Box 3143 Hicksville, NY 11802						\$7,762.02
Systemic Pest Elimination PO Box 431 Hillsdale, NJ 07642						\$990.76
US Foods PO BOX 641871 Pittsburgh, PA 15264-1871						\$36,089.10
W.B. Mason Co., Inc.						\$2,438.48

**United States Bankruptcy Court
Southern District of New York**

In re **416 8th Avenue BBQ, LLC**

Debtor(s)

Case No.

Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
ACC BBQ LLC		100%	Membership

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Manager** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **May 10, 2019**

Signature /s/ James Goldman
James Goldman

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Southern District of New York**

In re **416 8th Avenue BBQ, LLC**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **416 8th Avenue BBQ, LLC** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:
ACC BBQ LLC

☐ None [Check if applicable]

May 10, 2019

Date

/s/ Robert L. Rattet

Robert L. Rattet 1674118

Signature of Attorney or Litigant

Counsel for **416 8th Avenue BBQ, LLC**

Rattet PLLC

202 Mamaroneck Avenue

Suite 300

White Plains, NY 10601

+1-914-381-7400 Fax: +1-914-381-7406

rrattet@rattetlaw.com

**United States Bankruptcy Court
Southern District of New York**

In re **416 8th Avenue BBQ, LLC**

Debtor(s)

Case No.

Chapter

11

STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION

I, **James Goldman**, declare under penalty of perjury that I am the **Manager** of **416 8th Avenue BBQ, LLC**, and that the following is a true and correct copy of the resolutions adopted by the Board of Directors of said corporation at a special meeting duly called and held on the 30th day of April, 2019_.

"Whereas, it is in the best interest of this corporation to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **James Goldman**, **Manager** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **James Goldman**, **Manager** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **James Goldman**, **Manager** of this Corporation is authorized and directed to employ **Robert L. Rattet 1674118**, attorney and the law firm of **Rattet PLLC** to represent the corporation in such bankruptcy case."

Date **May 10, 2019**

Signed **/s/ James Goldman**
James Goldman

Resolution of Board of Directors
of
416 8th Avenue BBQ, LLC

Whereas, it is in the best interest of this corporation to file a voluntary petition in the the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **James Goldman, Manager** of this Corporation, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a chapter 11 voluntary bankruptcy case on behalf of the corporation; and

Be It Further Resolved, that **James Goldman, Manager** of this Corporation is authorized and directed to appear in all bankruptcy proceedings on behalf of the corporation, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the corporation in connection with such bankruptcy case, and

Be It Further Resolved, that **James Goldman, Manager** of this Corporation is authorized and directed to employ **Robert L. Rattet 1674118**, attorney and the law firm of **Rattet PLLC** to represent the corporation in such bankruptcy case.

Date May 10, 2019

Signed /s/ James Goldman

Date _____

Signed _____

**United States Bankruptcy Court
Southern District of New York**

In re **416 8th Avenue BBQ, LLC**

Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **May 10, 2019**

/s/ James Goldman

James Goldman/Manager
Signer/Title

416 8TH OWNER, LLC
560 FIFTH AVENUE
NEW YORK, NY 10036

A+ TOWEL & LINEN SUPPLY
149 VERDI STREET
FARMINGDALE, NY 11735

AMERICAN EXPRESS
MERCHANT FINANCING
200 VESEY STREET
NEW YORK, NY 10285

AMERICAN EXPRESS NATIONAL BANK
C/O DATAMARK INC.
43 BUTTERFIELD CIRCLE
EL PASO, TX 79906

ANHEUSER BUSCH
550 FOOD CENTER DRIVE
BRONX, NY 10474

AUTO CHLOR SYSTEMS
685 GOTHAM PARKWAY
CARLSTADT, NJ 07072-2403

BMI

DIRECT ENERGY
P.O. BOX 70220
PHILADELPHIA, PA 19176-0220

DIRECTV
P.O. BOX 5006
CAROL STREAM, IL 60197-5006

ELI'S BREAD INC.
P.O. BOX 29093
NEW YORK, NY 10087-9093

EMPIRE MERCHANTS
16 BRIDGEWATER STREET
BROOKLYN, NY 11222-9964

I. HALPER PAPER AND SUPPLIES,
51 HOOK ROAD
BAYONNE, NJ 07002

INTERSTATE FOODS
565 WEST STREET
NEW YORK, NY 10014

JOSEPH DEMARCO
110 CONGRESS ST
BRIDGEPORT, CT 06604

JOSHUA WEIGENSBERG, ESQ.
PRYOR CASHMAN
7 TIMS SQUARE
NEW YORK, NY 10036

KITCHENWORKS
PO BOX 771
FREEPORT, NY 11520

LIBERTY COCA-COLA BEVERAGES
PO BOX 780810
PHILADELPHIA, PA 19178-0810

MANHATTAN BEER
955 EAST 149 STREET
BRONX, NY 10455-2097

NYC DEPT OF FINANCE
345 ADAMS STREET, 10TH FL
ATTN: LEGAL AFFAIRS DIV.
BROOKLYN, NY 11201-3719

NYS DEPT OF TAX & FINANCE
BANKRUPTCY SPECIAL PROCEDURES
P.O. BOX 5300
ALBANY, NY 12205-0300

NYS DEPT OF TAXATION & FINANCE
P.O. BOX 5149
ALBANY, NY 12205

OAK BEVERAGE
1 FLOWER LANE
BLAUVELT, NY 10913

PRYOR CASHMAN LLP
7 TIMES SQUARE
NEW YORK, NY 10036

SECURITY & EXCHANE COMMISSION
NY REGIONAL OFFICE
200 VESEY STREET, SUITE 400
NEW YORK, NY 10281

SOUTHERN GLAZER'S OF NY METRO
PO BOX 3143
HICKSVILLE, NY 11802

SYSTEMIC PEST ELIMINATION
PO BOX 431
HILLSDALE, NJ 07642

TIME WARNER CABLE
P.O. BOX 11820
NEWARK, NJ 07101-8120

TODD SOLOWAY, ESQ.
PRYOR CASHMAN
7 TIMES SQUARE
NEW YORK, NY 10036

UNION BEER DISTRIBUTORS
1213-17 GRAND STREET
BROOKLYN, NY 11211

UNITED STATES TRUSTEE
201 VARICK STREET #1006
NEW YORK, NY 10014

US ATTORNEY OFFICE SDNY
TAX & BANKRUPTCY UNIT
86 CHAMBERS STREET, 3RD FLOOR
NEW YORK, NY 10007

US FOODS
PO BOX 641871
PITTSBURGH, PA 15264-1871

W.B. MASON CO., INC.

WASHINGTON BUSINESS BANK
223 5TH AVE. SE
OLYMPIA, WA 98501